THE MADRAS LEGISLATIVE ASSEMBLY.

Thursday, 30th July 1953.

The House met in the Assembly Chamber, Government Estate, Mount Road, at half past eight of the clock, Mr. Speaker (THE HON. SRI J. SIVASHANMUGAM PILLAI) in the Chair.

[*Note.*— An asterisk (*) at the commencement of a speech indicates revision by the Member.]

I.—POINTS OF ORDER.

(1) THE CONTINUANCE OF THE PRESENT GOVERNMENT.

SRI T. VISWANATHAM:—" Mr. Speaker, I rise to a point of order. Yesterday, you remember that on a motion moved by the Government, an amendment was passed in spite of the fact that the Government strenuously opposed it. Therefore, the Government sustained a defeat. Under the spirit and terms of the Constitution, the Government cannot continue in office and must tender its resignation. I want the Chief Minister not to misunderstand me as I am not putting it on any personal ground. This thing may happen to one Government to-day and another Government to-morrow. We are an infant Republic and we have got to set up certain constitutional standards. You know, that in England there is no written Constitution, but still, the practice there has been that when the Government sustains defeat, within less than an hour or two, the Prime Minister tenders his resignation and then will either reshuffle the cabinet or make other arrangements or hand it over to another person who can form the Ministry. Things are done in that way in England. That is how the Prime Minister of England will act not under the terms of any written Constitution but under some constitutional practice, on which English democracy has developed. Sir, the framers of our Constitution reduced the practice into writing and if you refer to Article 164, sub-clause (2), you will find there that ' the Council of Ministers shall be collectively responsible to the Legislative Assembly of the State.' According to the constitutional practice developed in England from which the wording of our Constitution has been borrowed, we have to understand and interpret the language. Our Constitution was written somewhere in 1947 or 1948 and the English language and the English constitutional practice have not been changed since then and the one and only meaning that can be attached to that phrase is this, viz., when the Government sustains a defeat, it must tender its resignation and there is no other meaning attached to it. It is reduced to writing and it is part of the Constitution and it cannot be said as some papers seem to have reported that this is all a recommendation. The Hon. Chief Minister is reported to have stated—and I don't know whether it is correctly reported or not and I think even ' The Hindu ' has reported the proceedings and the Chief Minister's statement—that the motion which was carried yesterday was only a recommendation and that he did not attach much value to it. I submit it is not a correct report. The amendment does not say that it is a recommendation. Moreover, it is not a non-official resolution. An official

resolution was introduced by the Government that the Education policy of the Government may be taken into consideration. On that motion, an amendment was passed. Therefore, it is as good as an official resolution. The Hon. Chief Minister as well as the Government are bound by it. It is no longer a recommendation. It is a mandate. Immediate effect should be given to it. That is my understanding of the language of the amended resolution and the way in which the proceedings took place in this House yesterday. Whether it amounts to a recommendation or not and even assuming it is a recommendation, the Government strenuously opposed it and sustained a defeat. So there is no other meaning attached to it. According to the language and terms of Article 164, sub-clause (2), no other interpretation can be given except that having sustained defeat, it is incumbent upon the Government to resign. I once more say that this has nothing to do personally with either the Hon. Chief Minister or any Member of his Ministry. As I said before, whether we go to Andhra or remain here, all of us belong to one Indian Union and we have to set up some constitutional practices and conventions. Even after sustaining defeat, if they want to stick to office in the manner in which the Hon. Chief Minister is reported to have said, I submit we will be doing the wrong thing and we will not be setting up a correct precedent for the future generations to come. In the interests of good constitutional practice, Sir, I submit that my point of order is right and in order and so the proceedings of this House cannot take place now. That is my submission, Sir."

* THE HON. SRI C. RAJAGOPALACHARI:—" Sir, I am extremely grateful to hon. Member Sri Viswanatham for his very emphatic instructions with regard to how I should act as head of the Ministry in this Government. I am very grateful to him for his drawing my attention to parliamentary practice in England and to the terms of the Constitution. I respectfully submit to you, Sir, that it cannot be debated in the House. It must be left to the Government to consider its position in this regard. It is not a matter for debate in the House at all."

MR. SPEAKER:—" I am not going to allow a debate on this matter. Apart from that, this point of order has not arisen suddenly in the course of the proceedings to-day. Instead of springing a surprise on me like this, the hon. Member Sri Viswanatham could have told me beforehand of his intention to raise this point of order. No doubt, a point of order can be raised at any time. But this matter was discussed and the amendment carried yesterday. So, it is not as if any situation has arisen just now to give rise to a point of order. Mr. Viswanatham could have told me about this previously instead of taking me by surprise in the manner in which he has done now. This is not the parliamentary way of doing things."

SRI T. VISWANATHAM:—" Sir, I sent a note to you."

MR. SPEAKER:—" When and through whom?"

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SRI T. VISWANATHAM:—" I think I sent that note through a peon."

MR. SPEAKER:—" No, I never saw that note. That is why I say that I was taken by surprise when you raised the point of order."

SRI T. VISWANATHAM:—" I very well remember I gave that note to the peon or somebody. I also told the Assistant Secretary. I am sorry the note has not reached you. I would never have raised it all on a sudden without telling you previously."

MR. SPEAKER:—" The Assistant Secretary did not tell me. Probably the note may have been mislaid by somebody. Anyway, I was taken completely by surprise when Mr. Viswanatham raised the point of order. Now let us take up questions and answers."

SRI T. VISWANATHAM:—" What about my point order, Sir? "

MR. SPEAKER:—" Does the hon. Member expect me to give a ruling on this? The Speaker cannot give a ruling on a matter like this. If there is any authority stating that the Chair should give a ruling on a matter like this, let him bring it to my notice."

SRI T. VISWANATHAM:—" Sir, please go through Article 164, sub-caluse (2). It gives an answer to our problem."

MR. SPEAKER:—" I cannot give a ruling on that issue. It is not for the Speaker to say whether, with reference to the proceedings that take place here, the Government is properly constituted or not. It is for the Government itself to judge. The Speaker has nothing to do with it. If the hon. Member wants, he can bring in a censure motion. But so far as the present point of order is concerned, the Speaker has nothing to do with it and cannot give a ruling."

SRI T. VISWANATHAM:—" Sir, the Government did sustain a defeat yesterday."

MR. SPEAKER:—" I do not know how they take it."

SRI T. VISWANATHAM:—" It is not a question of how the Government take it. We must see how the Constitution takes it."

MR. SPEAKER:—" If the hon. Member feels that the Government are not acting properly, let him bring in a censure motion. It is not for the Speaker to give a ruling as to how the Government should act or give advice to the Government as to what they should or should not do."

SRI T. VISWANATHAM:—" Sir, we have a written Constitution and we are bound by it. I have made the position clear that the proceedings of this House cannot take place to-day. Further, I wish to submit that the privileges and rights of this House are in your hands and the Constitution is in your hands."

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MR. SPEAKER:—" That is true, but not in this case."

SRI S. SWAYAMPRAKASAM:—" Sir, . . ."

MR. SPEAKER:—" I am not going to allow any debate on this."

SRI S. SWAYAMPRAKASAM:—" It is not on the subject referred to by Mr. Viswanatham, Sir."

THE HON. SRI C. RAJAGOPALACHARI:—" Sir, I respectfully submit that further speeches are out of order and it will develop into a debate and we shall be at a disadvantage."

SRI S. SWAYAMPRAKASAM:—" I am not going to talk on the point of order raised by Mr. Viswanatham."

THE HON. SRI C. RAJAGOPALACHARI:—" If he is not going into the subject-matter, then it is all the more out of order."

SRI S. SWAYAMPRAKASAM:—" Sir, what I wish to submit is this. You were good enough to say that whenever points of order are raised, the Hon. Speaker should have previous notice of the same. We would like to know . . ."

MR. SPEAKER:—" Let me explain the position. There are two kinds of points of order. There are things which arise suddenly in the course of the proceedings in the House. There are other points which relate to business transacted earlier as in the present case. The hon. Member who raised a point of order relating to an event which occurred yesterday, should have given previous notice of it to the Speaker. This is the practice in England. The relevant book is not here. I will bring it sometime later and read the portion relating to the practice to be followed."

SRI T. VISWANATHAM:—" Sir, as soon as I entered the Assembly building, I stepped into your room and handed that note to the duffadar."

MR. SPEAKER:—" He has not given that to me."

II.—QUESTIONS AND ANSWERS.

STARRED QUESTIONS.

Transfer of books to Andhra Legislature Library.

8-50 a.m. * 1245 *Q.*—SRI T. VISWANATHAM: Will the Hon. the Chief Minister be pleased to state the number of volumes which the Legislature Library possesses; and how many of such volumes are proposed to be transferred to the Andhra Legislature Library?

THE HON. SRI C. RAJAGOPALACHARI:—" There are about 35,000 volumes. The separation of all Telugu books and of the spare copies available in respect of other books and publications is in progress. It is not possible now to state the number of volumes that can be formed into a separate library and spared for the Andhra State."